

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**HOLDEN FLENER and
STANFORD FLENER,**

Plaintiffs,

v.

NYRSTAR CLARKSVILLE, INC.,

Defendant.

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**No. 3:11-1219
Magistrate Judge Brown**

AGREED STIPULATION OF COMPROMISE AND DISMISSAL

Pursuant to Rule 41 (a) (2), Fed. R. Civ. P. the parties submit this agreed stipulation of compromise and dismissal. In so doing, the parties state that they have previously consented to the jurisdiction of the Magistrate Judge (Docket Entries # 11, # 19). As evidenced by the signature of counsel affixed hereto below, the parties state that all parties to this action conducted a voluntary mediation on July 25, 2012 and were able to resolve all differences between the parties at said mediation (Docket Entry # 25). Accordingly, all matters having been settled, and at the request of the parties, the parties stipulate that it is appropriate for Plaintiffs,' Holden Flener and Stanford Flener's, Complaint and any amendments thereto, to be dismissed with prejudice against Defendant, Nyrstar Clarksville, Inc. Similarly, the intervening Plaintiff, CNA Insurance Company, has also resolved its intervening complaint and the subrogation claim of CNA (Docket Entry # 20). Any indemnification claim against Nyrstar Clarksville, Inc. by CNA arising from this accident, and CNA's workers compensation subrogation lien claim against any recovery by either Plaintiff arising out of the accident described in the Complaint shall also dismissed with prejudice.

All claims having been resolved, the parties stipulate that this case is dismissed in its entirety.

APPROVED AND AGREED FOR ENTRY:

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ORDER

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Motion Granted

/s/ Joe B. Brown
JOE B. BROWN
Magistrate Judge

Stipulation of Dismissal
Approved

and this case is
dismissed in its
entirety